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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/456,647 12/08/99 HOWARD D 35-95-010.1

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EXAMINER

ROMAIN, J

ART UNIT

PAPER NUMBER

2163

DATE MAILED:

02/12/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/456,647

Applicant(s)
Howard et al.

Examiner
Romain Jeanty

Group Art Unit
2163



☒ Responsive to communication(s) filed on Dec 1, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 7, 8, and 24-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 7, 8, and 24-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Response to Amendment

1. This Office action is responsive to the amendment filed on December 1, 2000. Applicant has amended claim 7, and added claims 24-26. Claims 7-8 and 24-26 are pending in the application.

Claim Rejections - 35 U.S.C. § 112

2. Applicant's amendment filed on December 1, 2000 has overcome the 35 USC 112 rejection in paragraph 1 of paper# 1.

Claim Rejections - 35 U.S.C. § 102

3. The amendment filed on July 12, 2000 has been considered but is ineffective to overcome the 35 U.S.C. 103 rejection in paragraph 3 of paper# 4. The rejection is maintained and is restated below for the Applicant's convenience.

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 7, 8, and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Reilly et al. (US 5,740,549).

As per claim 7, Reilly discloses an information and advertising distribution system and method comprising:

Storing contents and advertisement in a database (col. 6, lines 46-50 and col. 12, lines 6-14) which reads on "creating an electronic publication which includes at least one content item and at least one advertising item".

Accessing the electronic content by a user (col. 6, lines 57-61) which reads on "permitting a user to access the electronic publication"; and

Displaying the advertisements after a time interval (col. 11, lines 40-52) which reads on "presenting the advertising item to the user of the electronic publication after passage of a predetermining amount of time the publication has been in use".

As per claim 8, Reilly discloses an information and advertising distribution system and method comprising:

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Storing contents and advertisement in a database (col. 6, lines 46-50 and col. 12, lines 6-14) which reads on “creating an electronic publication which includes at least one content item and at least one advertising item”.

Accessing the electronic content by a user (col. 6, lines 57-61) which reads on “permitting a user to access the electronic publication”; and

Showing of an advertisement to a subscriber when a news item is being viewed (col. 13, lines 61-67 and col. 14, lines 1-14) which reads on “presenting the advertising item to the user of the electronic publication in response to the access of a specific content item”.

As per claim 24, Reilly discloses the claimed limitation “wherein the electronic publication includes a plurality of advertisement items, and wherein said presenting step is carried out by successively presenting the advertising items to the user of the electronic publication at respective predetermined points in time which are spaced from each other by the predetermined amount of time” by displaying plurality of advertisements at different time interval (col. 5, lines 24-34).

As per claims 25, Reilly discloses the claimed limitation “including the step of maintaining information about the amount of time which the user spends reading the electronic publication during each access thereto, and setting the predetermined amount

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as a function of such information” by monitoring amount of time a subscriber spends viewing an advertisement. Note column 5, line 61 to column 6, line 10.

As per claim 26, Reilly discloses the claimed limitation “wherein said presenting step is carried out by presenting the advertising item to the user in response to the access by the user of a predetermined part of the specific content item” by displaying advertisement to the subscriber when the subscriber clicks on a specified items (col. 13, lines 38-48).

Response to Arguments

6. With regard to claim 7, Applicant asserted that Reilly does not disclose the claimed invention. Applicant further supported his assertion by arguing (on remarks page 4 lines 11-12) that the time period discussed in Reilly does not begin when the user begins using the electronic. However, this argument is not persuasive because Reilly does teach displaying the news items and the advertisements to the subscriber at a specific time interval (30 seconds). This time interval could be the time when a subscriber begins reading the news item. Note column 5, lines 25-46 of Reilly.

With regard to claim 8, Applicant asserted that Reilly does not disclose the claimed invention. Applicant further supported his assertion by arguing (on remarks page 5 lines 3-5) that Reilly does not appear to teach or even suggest that the selection of any

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specific news items might trigger the display of an advertisement item, much less a particular advertising item which is specifically associated with that specific news item. Again, this argument is not persuasive because Reilly does teach presenting the news item and the advertisement to the subscriber when the subscriber clicks on a selection button for a specific items and advertisements are displayed to the subscriber. Note column 13, lines 38-66.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached on weekdays from 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz, can be reached at (703) 305-9643.

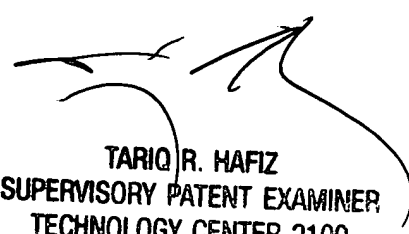
The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5357.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703)308-3900.

Romain Jeanty

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January 8, 2000.



TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100